



**Phillips Lytle LLP**

**Via FOIA Online and U.S. Mail**

August 21, 2017

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460

Re: Freedom of Information Act Request

Dear Sir/Madam:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, we respectfully request that the United States Environmental Protection Agency ("EPA") make available for review any and all records or portions thereof, including but not limited to all documents, complaints, notices of violations, applications, correspondence, FOIA requests, files, reports, records, photos, memoranda, electronic mail, microfilm, computerized databases, diskettes, newspapers and faxes, referencing, related to, associated with, concerning or pertaining to the following:

1. the Universal Waste Site in Utica, New York, including, but not limited to, any records involving EPA Attorney, Mr. Jacoby; Head of EPA Enforcement and Regional Council Division, Mr. Scolnik; and others who may have been involved in the Universal Waste Site; and
2. the Lockwood Farm Site in Herkimer County, NY, including, but not limited to, any records involving EPA Attorney, Mr. Jacoby; Head of EPA Enforcement and Regional Council Division, Mr. Scolnik; and others who may have been involved in the Lockwood Farm Site, as referenced in the attached July 2, 1979 letter regarding a PCB investigation in the Utica, New York area.

We request the foregoing records without regard to time, event, or subject, including any potentially responsible party or other person or party who may have a nexus to the properties. We will pay any reasonable fee provided for in the FOIA and associated with reproducing the requested records; however, if the costs exceed one hundred dollars (\$100.00) please contact me with an estimate prior to incurring such costs.

KEVIN C. BLAKE

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As you are aware, the FOIA requests that an agency respond to a written request within twenty (20) business days of receipt of a request. Thus, we would appreciate a response as soon as possible. If, for any reason, any portion of this request is denied, please inform me of the reasons for the denial, in writing, together with the name and address of the person or body of whom to direct an appeal.

Very truly yours,

Phillips Lytle LLP

By

Kevin C. Blake

KCB3kr

Doc #01-3061619.1

John Wilson  
Bert Mead  
PCB Investigation - Utica Area

July 2, 1979

We were advised anonymously during the week of June 18 that a load of transformers had been moved from the Universal Waste site to an area off Route 5 near Herkimer. This was investigated on June 21 and samples taken from one transformer and a barrel which had been used to collect the oil drained from other transformers. The two samples were taken to Syracuse Research Corporation on Monday, June 25 for analysis. On Friday, June 29 we received verbal confirmation that Syracuse Research had found 10,000 to 50,000 ppm aerochlor 1221 in both samples. The analysis is not definitive, however, in that although Syracuse Research Corp. says they use EPA standards, the Department of Health laboratory does not accept the standards as valid. Mr. Pack, the person we spoke to at Syracuse Research, therefore, could not definitely say there were PCBs in the samples although the indications are that PCBs were present.

Following receipt of the analysis Phil and I called the EPA in New York City and spoke to attorney Jacoby (telephone 264-1196). Mr. Jacoby met with Mr. Scolnik, who is head of the Enforcement and Regional Council Division of EPA. Mr. Jacoby called back and was very interested in obtaining samples from the site. Since it was Friday afternoon and it would have been very difficult to obtain a federal warrant, etc., he requested that we take samples over the weekend and deliver them to him on Monday (today). He would have a federal inspector then take the samples to their analysis facilities for a definitive analysis. He also needed to speak to the sample collector regarding the facts of the collection and the general situation.

I called Tom Keelty Friday evening and requested that he contact a Conservation Officer and arrange to collect additional samples and other information regarding the transformers and their disposal. He then contacted Mr. Hallinan, Puro Waters Technician; Mr. Sudol, Conservation Officer, and another Conservation Officer which covered the area. They visited the Lockwood farm site on Saturday morning, took samples of the oil in the barrels, oil from transformers, and soil where the oil had been drained, as well as a count and inventory of the transformers. Mr. Sudol read Mr. Lockwood his legal rights in case the case went to a criminal trial.

Mr. Keelty is to drive to New York and deliver the samples to Mr. Jacoby today. He plans to remain in New York for a compensatory time and return to Utica for work on Thursday.